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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/598,668

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Gavin Peacock

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EXAMINER

NGUYEN, QUANG N

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,668

Applicant(s)

PEACOCK, GAVIN

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2006 has been entered.

Claims 1, 8 and 15 have been amended. Claims 1-21 remain pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said application performing any necessary format conversion on said stream file" in line 17 of claim 1. There is insufficient antecedent basis for this limitation in the claim (since there are two claimed applications in claim 1,

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first, "an application on said handheld device", in line 3 and second, "an application on a device external to said handheld device" in line 14).

For the purpose of examination, the Examiner considers the recited limitation mentioned above as "said application on said handheld device performing necessary format conversion on said stream file". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-2 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. (US 6,101,531), hereinafter "Eggleston", in view of Joseph (US 6,038,603).**

6. As to claim 1, **Eggleston** teaches a method of transferring data from a handheld device comprising the steps of:

a) forwarding information from an application on said handheld device to an exchange manager on said handheld device (forwarding information from an application (such as forwarding a URL request from a browser application) on the mobile end

computer system 201 to a data transfer manager or exchange unit 206 on said mobile end computer system 201), said exchange manager configured for converting said information to a stream file *(since the data transfer manager or exchange unit 206 communicates/exchanges information with the communication server 220 by messages of any appropriate data unit (such as frame, **datastream**, packet, or other format), including objects, datagrams, etc., containing information being communicated, said data transfer manager or exchange unit 206 must have formatted/converted said information to the appropriate data unit such as datastream to communicate with the communication server 220)* (**Eggleston, Fig. 2 and col. 5, line 23 – col. 6, line 7**);

b) in response to said information, said exchange manager referencing an exchange library from a plurality of exchange libraries, wherein said exchange library defines a communication protocol for said identified transport mechanism and wherein said exchange manager supports a plurality of communication protocols *(the data exchange unit 206 referencing/accessing data encoder/decoder 203 to accommodate, i.e., to support, the system communications protocols and a transceiver/modem 202 to connect to a wireless or wireline communications network)* (**Eggleston, Fig. 2 and col. 5, lines 23-48**); and

c) communicating said information to a system as a stream file identifiable by an application on a device external to said handheld device, identified by said destination, that is external to said handheld device using said communication protocol *(via the data encoder/decoder 203 and the transceiver 202, the data transfer manager or exchange unit 206 communicates/exchanges said information with the communication server 220,*

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VMS 230, local email post office 240, remote client-server host 255, and/or administrator host server 260, etc., identified by the destination address that is external to the mobile end device 201, by messages of any appropriate data unit such as frame, datastream, etc.) said application performing any necessary format conversion on said stream file (said browser application of the mobile end computer system 201 is capable of performing any necessary format conversion on said stream file, for example, displaying an HTML file as a web page on the display monitor, playing audio/video stream file to the speaker/monitor screen) (**Eggleston, Fig. 2 and col. 5, line 23 – col. 6, line 7**).

However, **Eggleston** does not explicitly teach said information having associated therewith a Uniform Resource Locator (URL) containing an identified transport mechanism for transmitting said information and also a destination for said information.

In the related art, **Joseph** teaches resources maybe uniquely identified through the use of a uniform resource locator ("URL"), wherein a URL string (*http://Server A/File Store/File*) containing an identified transport mechanism (*http://*) and a destination (*Server A*) that a browser application uses to make a request directed to Server A in accordance with the "http" protocol (**Joseph, Fig. 2C and col. 2, lines 20-64**).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate the feature of said information having associated therewith a Uniform Resource Locator (URL) containing an identified transport mechanism for transmitting said information and also a destination for said information, as disclosed by **Joseph**, into the teachings of **Eggleston**, since both

references are directed to accessing information in communications network systems employing a plurality of protocols, hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so to allow a client via the browser uniquely identifying a desired resource by URL (*for example, "http://Server A/File Store/File"*), which indicates a destination server on which the resource is located, the filename, i.e., the location of the resource and the appropriate protocol (i.e., "http") to be used in retrieving the desired resource (**Joseph, col. 1, line 62 – col. 2, line 8**).

7. As to claim 2, **Eggleston-Joseph** teaches the method of claim 1, wherein the mobile device is a palmtop computer system comprising: a processor coupled to a bus; a memory unit coupled to said bus; a screen coupled to said bus; and a plurality of transport mechanisms (*a palmtop/handheld computer inherently comprises a processor, a memory unit, a screen coupled to a bus and a plurality of transport mechanisms*).

8. Claims 8-9 are corresponding system claims of method claims 1-2; therefore, they are rejected under the same rationale.

9. Claims 3-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eggleston-Joseph**, further in view of **Bodnar et al.** (US 6,295,541), hereinafter "**Bodnar**".

10. As to claims 3-4, **Eggleston-Joseph** teaches the method of claim 1, wherein the data transfer manager or exchange unit 206 accommodates data transfer over a wide variety of networks via data encoder/decoder 203 using various communications protocols including radio frequency (rf) or infrared protocol or proprietary wireless carrier protocols (**Eggleston, col. 5, lines 30-42**), but does not explicitly teach said plurality of communications protocols comprising an email protocol and a synchronization protocol.

In the related art, **Bodnar** teaches a palmtop computer capable of synchronization, infrared, radio frequency or wireless communications, and email communications (**Bodnar, Fig. 2 and col. 10, lines 42-53**).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of **Eggleston-Joseph** and **Bodnar** to include email, infrared, radio frequency and synchronization protocols in said communications protocols since all references are directed to communicating information over a communications network, hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so to provide additional options (*i.e., additional protocols or transport mechanisms*) for communicating/synchronizing data between a broad range of networks and devices (**Bodnar, Fig. 2 and col. 10, lines 42-53**).

11. As to claim 5, **Eggleston-Joseph-Bodnar** teaches the method of claim 1, wherein said information is a data file ("*datasets*" of *Bodnar* and "*File*" 126 from *Fig. 2C of Joseph*).

12. As to claim 6, **Eggleston-Joseph-Bodnar** teaches the method of claim 1, wherein said information is an application program (*"Official Notice" is taken as a "File" from Fig. 2C of Joseph and "datasets" of Bodnar might well be an application program*).

13. As to claim 7, **Eggleston-Joseph-Bodnar** teaches the method of claim 1, but does not explicitly teach prompting the user for any unspecified criteria such as protocol to use or/and destination of the desired resource.

"Official Notice" is taken that both the concept and advantages of a system prompting a user for unspecified criteria are well known and expected in the art (*Examiner respectfully submits that it is obvious to one of ordinary skill in the art that the browser application has a text box "Address" for the user to enter the URL for the desired resource/destination, such as "http://Server A/File Store/File"*).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to prompt the user for unspecified criteria such as protocol to use or/and destination of the desired resource since such methods were conventionally employed in the art to ensure the data is manipulated into the recognizable format before sending out to the receiving device using the compatible protocol.

14. Claims 10-14 are corresponding system claims of method claims 3-7; therefore, they are rejected under the same rationale.

15. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston-Joseph-Bodnar, further in view of Skarbo et al. (US 6,317,777), hereinafter "Skarbo".

16. As to claim 15, **Eggleston-Joseph-Bodnar** teaches the method for requesting and receiving data over the Internet by a mobile device as in claim 1, including the step of creating a separate instance of the GUD records for every data type, or every mapping of records files (i.e., creating a record/file indicating a data type of a file) (Bodnar, col. 39, lines 25-29), but does not explicitly teach the storing said file in memory and associating said file with a data set associated with said application.

In the related art, **Skarbo** teaches a method for web-based storage and retrieval of documents/files comprising the step of storing the document onto local disk storage 354, and accessing a document registry 358 stored within a system registry to identify an associated application for the document (Skarbo, col. 10, lines 46-56).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of **Eggleston-Joseph-Bodnar** and **Skarbo** to store said document/file in memory and associating said document/file with a data set associated with said application since all references are directed to communicating information over a communications network, hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so to allow the system to be flexible to accommodate and access data transfer from a data origination device over a wide variety of networks to a wide variety of destination devices using various communications protocols with different data formats/types in order to reliably get conferencing data to conference participants, while utilizing standard registered applications (**Skarbo, col. 1, lines 47-49 and col. 10, line 46 – col. 11, line 7**).

17. Claims 16-21 are corresponding receiving method claims of transferring method claims 2-7; therefore, they are rejected under the same rationale.

Response to Arguments

18. In the Remarks, Applicant argued in substance that

(A) Prior Arts fail to teach or suggest *“an exchange manager referencing an exchange library associated with said identified transport mechanism from a plurality of exchange libraries”*, as claimed in independent claims 1, 8, and 15.

As to point (A), Eggleston teaches the data exchange unit 206 referencing/accessing the data encoder/decoder 203 to accommodate the system communications protocols and the transceiver/modem 202 to communicate/exchange information with the communication server 220, VMS 230, local email post office 240, remote client-server host 255, and/or administrator host server 260, etc., via a wireless or wireline communications network (**Eggleston, Fig. 2 and col. 5, lines 23-48**).

(B) Prior Arts fail to teach or suggest "when transferring data from a handheld device, an exchange manager configured for converting the information to a stream file", as claimed in independent claims 1, 8 and 15.

As to point (B), **Eggleston** teaches via the data encoder/decoder 203 and the transceiver 202, the data transfer manager or exchange unit 206 communicates information with the communication server 220, VMS 230, local email post office 240, remote client-server host 255, and/or administrator host server 260, etc., that is external to the mobile end device 201, as illustrated in Fig. 2 (**Eggleston, Fig. 2 and col. 5, lines 5-10**). Additionally, **Eggleston** teaches the data transfer manager or exchange unit 206 of the mobile device 201 exchanges information with the communication server 220 (*and/or concurrently with VMS 230, local email post office 240, remote client-server host 255, and/or administrator host server 260, etc.*) by messages of any appropriate data unit (*whether a frame, **datastream**, packet, or other format*), including objects, datagrams, etc., containing information being communicated (*i.e., inherently, said data transfer manager or exchange unit 206 must have formatted/converted said information to the appropriate data unit such as datastream or any other format in order to communicate with a plurality of different external devices such as the communication server 220, VMS 230, local email post office 240, remote client-server host 255, and/or administrator host server 260, etc.*) (**Eggleston, Fig. 2 and C5: L23 – C6:L7**).

19. Applicant's arguments as well as request for reconsideration filed on 10/30/2006 have been fully considered but they are not deemed to be persuasive.

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20. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Nguyen', with a long, sweeping horizontal stroke extending to the right.

Quang N. Nguyen
Patent Examiner
AU – 2141